

No. PD-0514-17

IN THE
COURT OF CRIMINAL APPEALS
FOR THE STATE OF TEXAS

FILED
COURT OF CRIMINAL APPEALS
11/1/2017
DEANA WILLIAMSON, CLERK

FERNANDO SMITH
Appellant
v.
STATE OF TEXAS
Appellee

Appeal from the 52nd Judicial District Court of Coryell County, Texas
Trial Court Number FAM-09-20141
Cause Number 10-15-00263-CR in the Tenth Court of Appeals of Texas

**STATE'S FIRST MOTION FOR EXTENSION OF TIME
TO FILE BRIEF**

**52ND JUDICIAL DISTRICT ATTORNEY
FOR CORYELL COUNTY, TEXAS**

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November 1, 2017

STATE'S FIRST MOTION FOR EXTENSION OF TIME TO FILE BRIEF

TO THE HONORABLE COURT OF CRIMINAL APPEALS:

Comes now, the State of Texas, by and through her Special Prosecutor for the 52nd Judicial District, and requests that this Honorable Court extend the time to file a brief for the State for thirty (30) days, pursuant to Tex. R. App. P. 10.5 and in support hereof would show the Court as follows:

I

The State's brief is currently due on November 3, 2017. Appellant's brief was filed on October 4, 2017.

II

I was appointed as a special prosecutor on a part time basis to handle the appellate duties in this office. I was also appointed special prosecutor to represent the State of Texas and handle appeals for the 21st Judicial District Attorney's Office. I am also an adjunct professor of criminal justice and I am currently teaching fall classes at Hill College and Central Texas College.

I am diligently working on completing the State's brief in *Hooper v. State*, No. 10-16-00390-CR, which is due in the Tenth Court of Appeals on November 8, 2017. I have had two previous extensions on this case and need to file the State's brief by the 8th. I also have a State's brief due for the 21st Judicial District Attorney's

Office in *Fielder v. State*, No. 01-17-00121-CR in the First Court of Appeals on November 6, 2017. I recently filed the State's brief in *Litchfield v. State*, No. 06-17-00007-CR, in the Sixth Court of Appeals. That appeal was from a two week old trial of a seventeen year old murder case. It involved the testimony of thirty-three witnesses.

Additionally, I prepare responses to writs and motions for new trial that are filed with this office.

II

The State seeks a thirty (30) day extension of time in which to file its brief.

III

The undersigned special prosecutor has been able to obtain the record, but has not had time to adequately research the issues involved and file a brief. The additional time requested is not sought for delay but will be of genuine assistance to the State in preparing its brief.

The State has not requested a previous extension in this matter.

PRAYER

WHEREFORE, PREMISES CONSIDERED, the State of Texas respectfully requests that the deadline to file the brief be extended thirty (30) days to December 4, 2017 (actual deadline would fall on Sunday December 3, 2017).

Respectfully submitted,

/s/ Charles Karakashian, Jr.

Charles Karakashian Jr.

Special Prosecutor,

52nd Judicial District Attorney's Office

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Certificate of Service

I, Charles Karakashian Jr., hereby certify by my signature below that on November 1, 2017, the foregoing Motion for Extension of Time to File Brief was e-mailed to Counsel for Appellant, Mr. Justin Bradford Smith at justin@templelawoffice.com and Ms. Stacey M. (Goldstein) Soule, the State Prosecuting Attorney at information@spa.texas.gov through the Court's electronic filing system.

/s/ Charles Karakashian, Jr.

Charles Karakashian Jr.

Special Prosecutor